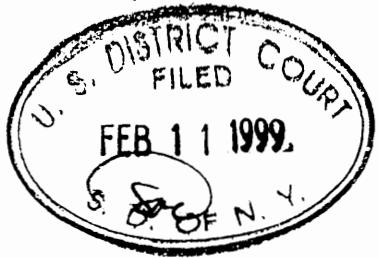


MARY JO WHITE
United States Attorney
Southern District of New York
By: DEBORAH Y. YEOH (DY-5165)
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100 Church Street, 19th Floor
New York, New York 10007
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA, :
Plaintiff, : CONSENT DECREE

- against - : 99 Civ. 1042(CAP)

RCPI TRUST and RADIO CITY :
PRODUCTIONS LLC, :
Defendants. :
: x

WHEREAS, Plaintiff United States of America (the "Government") commenced this action to enforce provisions of the Americans with Disabilities Act ("ADA") against defendants RCPI Trust and Radio City Productions LLC ("defendants"), pursuant to 42 U.S.C. § 12188(b)(1)(B); and

WHEREAS, the complaint alleges that defendants violated Title III of the ADA, 42 U.S.C. §§ 12181-89, and the Department of Justice's implementing regulation, 28 C.F.R. Pt. 36, by failing to remove from Radio City Music Hall ("Radio City") architectural barriers to access by persons with disabilities

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where such removal was readily achievable, or, where such removal was not readily achievable, by failing to make its goods and services available through readily achievable alternatives to barrier removal; and

WHEREAS, the complaint further alleges that prior to and for a period during the Government's ADA investigation of Radio City, defendants violated Title III of the ADA by failing to make reasonable modifications to their policies, practices and procedures in order to afford individuals with disabilities the opportunity to participate in, and benefit from, Radio City's goods and services in a manner equal to that afforded to other individuals, and by utilizing an administrative method that had the effect of discriminating on the basis of disability; and

WHEREAS, the complaint further alleges that prior to and for a period during the Government's ADA investigation of Radio City, defendants violated Title III of the ADA by failing to provide an assistive listening system and to advertise the existence of such system for use by individuals with disabilities when to do so would not have fundamentally altered the nature of the goods and services they provided or amounted to an undue burden; and

WHEREAS, defendants have appeared and consented to the entry of this Consent Decree, without admitting the allegations

of the complaint; and

WHEREAS, the United States and defendants have consented to the entry of this Consent Decree without trial or adjudication of any issues of fact or law; and

WHEREAS, the United States and defendants agree that settlement of these matters without further litigation is in the public interest and that the entry of this Consent Decree is the most appropriate means of resolving these matters;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 42 U.S.C. §§ 12188(b)(1)(B) and 42 U.S.C. §§ 1331 and 1345.

II. APPLICATION AND PARTIES BOUND

2. This Consent Decree applies to, and is binding upon, the Government and upon defendants. The undersigned representatives of defendants certify that they are authorized by defendants to enter into and consent to the terms and conditions of the Consent Decree and to execute and legally bind defendants to it.

III. INJUNCTIVE RELIEF

A. BARRIER REMOVAL

3. Defendants shall remove Radio City's architectural barriers to access, including the following:

a. Defendants shall provide 59 wheelchair seating locations and 59 companion seats located next to the wheelchair seating locations pursuant to the floor plan attached hereto as Exhibit B. Defendants' policy regarding the sale of such wheelchair seating and companion seating locations is set forth in Exhibit C.

b. Defendants shall provide 60 seats that have no arm rests or are equipped with folding or removable armrests and are suitable for transfer from a wheelchair ("aisle transfer seating") pursuant to the floor plan attached hereto as Exhibit B. Defendants' policy regarding the sale of such aisle transfer seating and companion seating locations is set forth in Exhibit C.

c. Defendants shall modify Radio City's exterior and interior routes, doors and elevators in the manner set forth in Exhibit A.

d. Defendants shall modify Radio City's public restrooms in the manner set forth in Exhibit A.

e. Defendants shall make Radio City's fire

alarms readily accessible to, and usable by, individuals with disabilities, including individuals who have hearing impairments, in the manner set forth in Exhibit A.

f. Defendants shall make Radio City's public pay telephones readily accessible to, and usable by, individuals with disabilities, including individuals who use wheelchairs and individuals who have hearing impairments, in the manner set forth in Exhibit A.

g. Defendants shall modify Radio City's drinking fountains in the manner set forth in Exhibit A.

h. Defendants shall install accessible counters to make Radio City's concession stands and one ticket window readily accessible to, and usable by, individuals with disabilities, including individuals who use wheelchairs, in the manner set forth in Exhibit A.

i. Defendants shall make Radio City's signage readily accessible to, and usable by, individuals with disabilities in the manner set forth in Exhibit A.

j. Defendants shall remove protruding objects from Radio City in the manner set forth in Exhibit A.

k. Defendants shall make one of Radio City's five dressing rooms and an adjacent shower/toilet room readily accessible to, and usable by, individuals with

disabilities, including individuals who use wheelchairs, in the manner set forth in Exhibit A.

1. Defendants shall make Radio City's tour route readily accessible to, and usable by, individuals with disabilities, including individuals who use wheelchairs, in the manner set forth in Exhibit A.

4. The barrier removal requirements set forth in Exhibit A shall be completed within one year from the date of entry of this Consent Decree.

B. AUXILIARY AIDS AND SERVICES

5. Defendants shall maintain and publicize the availability of an assistive listening system in Radio City that complies with the ADA as set forth in Exhibit A.

C. TICKETING PRACTICES

6. Defendants shall ensure that their ticketing and pricing policies, practices and procedures afford individuals with disabilities the opportunity to participate in, and benefit from, Radio City's goods and services in a manner equal to that afforded to other individuals. Specifically, Radio City shall make tickets available for sale to individuals with disabilities at the same times and conditions as those for sale to the general public. Radio City shall sell the 29 wheelchair seats at the rear of the Orchestra level at third mezzanine prices.

CERTIFICATION

7. Within one year and thirty days from the date of entry of this Consent Decree, Defendants shall submit to the Government a certification, under penalty of perjury, stating that defendants have complied with this Consent Decree.

VIOLATION OF THIS CONSENT DECREE

8. A violation of this Consent Decree shall be deemed a subsequent violation of the ADA under 42 U.S.C. § 12188(b)(3); 28 C.F.R. § 36.504(b).

RESERVATION OF RIGHTS

9. Nothing contained in this Consent Decree is intended or shall be construed as a waiver by the Government of any right to institute any proceeding or action against defendants for violations of any statutes, rules or regulations administered by the Government, or to prevent or limit the rights of the Government to obtain relief under the ADA, or any other federal statutes or regulations, or on account of any violation of this Consent Decree or any other provision of law. However, subject to defendants' full compliance with the Consent Decree, the Government will not file a subsequent complaint against defendants pursuant to Title III of the ADA based on the facts in existence at the time of the filing of the complaint herein, unless defendants make alterations that do not comply with Title

III of the ADA.

MODIFICATION

10. There shall be no modification of this Consent Decree without the written consent of the Government and defendants and the approval of the Court.

11. This Consent Decree represents the entire agreement between the Government and defendants. No prior agreements, oral representations or statements shall be considered part of this Consent Decree.

RETENTION OF JURISDICTION

12. The Court shall retain jurisdiction of this action to enforce or modify the provisions of this Consent Decree, including but not limited to Exhibit C, and to entertain any application and issue any orders as may be necessary or appropriate for the effectuation of its terms.

13. The parties shall discuss and attempt to negotiate a resolution of any dispute relating to the interpretation of this Consent Decree before bringing the matter to the Court's attention for resolution.

EXECUTION OF CONSENT DECREE

14. This Consent Decree may be executed in counterparts, each of which shall be an original and shall constitute one and the same instrument.

INCORPORATION OF EXHIBITS

15. All exhibits hereto are incorporated by specific reference into this Consent Decree and their terms are made a part of this Consent Decree as though fully recited or set forth herein.

COSTS AND ATTORNEY'S FEES

16. Each party shall bear its own costs and attorney's fees in this action.

THE PARTIES HEREBY CONSENT to entry of the foregoing Consent Decree:

FOR THE UNITED STATES:

MARY JO WHITE
United States Attorney for the
Southern District of New York
Attorney for the
United States of America

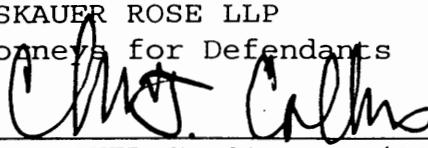
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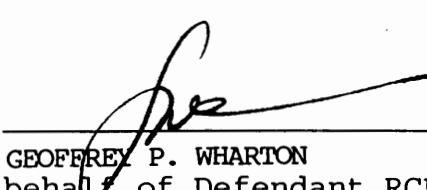
Deborah Yeo
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FOR DEFENDANTS:

PROSKAUER ROSE LLP
Attorneys for Defendants

By:


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1585 Broadway
New York, New York 10036-8299
Tel. No.: (212) 969-3961


GEOFFREY P. WHARTON , on
behalf of Defendant RCPI Trust

ROBERT RUSSO , on
behalf of Defendant Radio City
Productions LLC

JUDGMENT IS HEREBY ENTERED in accordance with the
foregoing Consent Decree.

Dated: New York, New York
_____, 1999

UNITED STATES DISTRICT JUDGE

FOR DEFENDANTS:

PROSKAUER ROSE LLP
Attorneys for Defendants

By:

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1585 Broadway
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Tel. No.: (212) 969-3961

GEOFFREY P. WHARTON , on
behalf of Defendant RCPI Trust

Robert Russo
ROBERT RUSSO , on
behalf of Defendant Radio City
Productions LLC

JUDGMENT IS HEREBY ENTERED in accordance with the
foregoing Consent Decree.

Dated: New York, New York
February 11, 1999

Loretta A Preska
UNITED STATES DISTRICT JUDGE *mp*

 Exhibit A



EXHIBIT A

ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
75		The makeup counters have only 26-1/2" of clear height.		Modify makeup counter to provide a minimum clear height of 27".
76	Shower/Toilet Room Adjacent to Room 211	The shower/toilet rooms serving the performers' dressing rooms are not accessible.		Alter the shower/toilet room adjacent to Room 211 to comply with the ADA.
77		The threshold rises 1-5/8" vertically at the door.		Modify threshold to comply with the ADA.
78		The door provides only 27" of clear width.		Widen doorway to provide 32" minimum clearance.
79		The door requires 12-1/2 pounds of force to open.		Install new door and hardware to comply with ADA's maximum force requirement.
80		The arrangement and dimensions of the lavatory, shower and toilet fixtures, and wall configurations are non-compliant.		Alter walls and fixture layouts to provide an ADA compliant Shower/Toilet Room.
81		The door hardware requires tight grasping, pinching or twisting of the wrist to operate.		Replace existing door hardware with ADA compliant hardware.
82	Tour Route	Interior Route	The stairs connecting levels are not served by accessible elevators and have non-compliant features, including handrail mounting heights, handrail extensions, newell posts and nosings, and missing handrails in certain places.	Install ADA compliant handrails, at proper mounting heights, handrail extensions, newell posts and nosings on tour route to the 8th floor (to Roxy Suite).
83	Tour Route		Much of the tour route is accessed only by steps.	Secondary tour egress route via ninth floor will be used only to bring tour participants back to main lobby. When a person with mobility impairments is a tour participant, the entire tour group will not use the ninth floor secondary egress route.
84	Tour Route at Costume Shop	Interior Route	The clear opening width of the door from the corridor into the room is only 29" due to placement of a sewing desk just inside the door.	Tour will not include this room.
85	RCMH Store	Door hardware	Thumbblatch door hardware requires tight grasping, pinching or twisting of the wrist to operate.	Provide a trained attendant to assist disabled persons into and within the Store, and provide a buzzer or bell and appropriate signage.
86	RCMH Store	Sales Counter	No 36" wide portion of the sales counter is at an accessible height.	Provide a counter with a 36" wide portion at a height of 34" above the finished floor.
87	RCMH Store	Visual Alarm	No compliant visual alarms are provided in an area served by audible alarms.	Provide ADA compliant visual alarm signaling devices.

EXHIBIT A

ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
1	All Levels	Seating	An insufficient number of wheelchair seating locations is provided.	Provide 59 wheelchair seats and fixed companion seats on Orchestra and First Mezzanine Levels, with a trained attendant to assist disabled persons to these locations.
2	Main Level Orchestra Seating Area - Wheelchair Spaces in Front of Columns	Seating	Wheelchair seating locations are not an integral part of the seating and do not afford lines of sight comparable to the general public.	Provide 59 wheelchair seats and fixed companion seats on Orchestra and First Mezzanine Levels, with a trained attendant to assist disabled persons to these locations.
3			Wheelchair seating is not on a level surface. (Surface slopes 7.5% towards stage.)	Level floor surface at all designated wheelchair locations, using demountable platforms.
4			Wheelchair seating location is 36" from nearest companion seats.	Provide fixed companion seats at all designated wheelchair seating locations.
5	Main Level Orchestra Seating Area - Left Rear Wheelchair Seating	Seating	No fixed companion seats are located next to designated wheelchair seating.	Provide fixed companion seats at all designated wheelchair seating locations.
6		Seating	An uneven floor surface exists at designated wheelchair seating locations.	Provide a level and even floor surface at all designated wheelchair seating locations.
7	All Levels	Seating	No aisle transfer seats are provided.	Provide 60 aisle transfer seats.
8	Ticket Windows in the Main Lobby and at Aisle Transfer Seats	Signage	No signs indicating availability of aisle transfer seating are provided.	Provide ADA compliant signs at ticket windows indicating the availability of aisle transfer seating and signs identifying the aisle transfer seats.
9	Access to Main Entrance From Public Sidewalk	Exterior Routes	No level landing at the top of the walkway approaching the front door exists.	Provide one pair of doors with automatic door openers, 32" minimum clear width and appropriate signage.
10	Lobbies and Corridors - Route From Street Entrance To Main Lobby Door	Interior Routes	No level landing at the top or bottom of the walkway approaching the interior sets of front doors exists.	Provide one pair of doors with automatic door openers, 32" minimum clear width and appropriate signage.
11	Lobbies and Corridors - Route From Street Entrance To Main Lobby Door	Interior Routes	Sloped walkway is slippery.	Install slip-resistant mats that are fixed to the floor.
12	Lobbies and Corridors - Route to Stage Via the Elevator and Lower Level	Interior Routes	A bevel that rises 5" over a 14.5" stretch on each side of a doorway exists along this route.	Modify floor surface to comply with the Standards for thresholds.
13	Route to the Stage	Interior Routes	The accessible route to the stage from the audience requires traveling a great distance with an escort using two elevators. This route segregates people with disabilities who cannot climb steps to the stage.	Provide a portable platform lift at the front of the stage during events where disabled members of the audience will need to go to the stage.
14	Lobbies and Corridors - Route to Stage via the Elevator and Lower Level	Interior Routes	Head clearance is reduced to 74" above the finished floor by bare bulb light fixtures, sprinkler heads and ductwork at several locations.	Remove or relocate light fixtures so they do not reduce headroom. Either relocate sprinkler (which protrudes approximately 2-1/2 inches from ceiling) or recess sprinklers.
15	Main Level Orchestra Seating Area	Interior Routes	Sloping side aisles against walls where slopes exceed 5% have no handrails.	Install handrails along side walls at ramped aisles where slopes exceed 5%.

EXHIBIT A

ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
16	Door - Main Street Entrance	Interior Routes	Clear maneuvering space to main street entrance is not level.	Provide one pair of doors with automatic door openers, 32" minimum clear width and appropriate signage.
17	Doors - Main Lobby Entrance	Interior Routes	Clear maneuvering space at doors is not level.	Provide one pair of doors with automatic door openers, 32" minimum clear width and appropriate signage.
18	Doors - First, Second and Third Mezz. Between Lobby and Seating Area	Interior Routes	Each leaf of double doors provides a clear opening width of 30".	Install swing clear hinges in two locations at the First Mezzanine Level or replace with door leafs of 32" minimum clear width, and install appropriate directional signage. Provide trained ushers to assist patrons at the doorways.
			Insufficient clear maneuvering space for a front approach on the push side exists.	
19			The doors require 11 pounds of force to open.	Adjust door closers to allow for a maximum force for pushing or pulling of 5 pounds or replace if required.
20	Throughout	Thresholds	Many thresholds at doors and openings exceed 1 1/4" vertically and/or exceed 3 1/4" when beveled at 1:2.	Modify all existing non-compliant thresholds in public areas to have no more than 3/4" total rise when beveled at 1:2.
21	Throughout	Interior Route	Cables are temporarily routed across the accessible route in various places, creating a hazard and/or barrier for people with mobility impairments.	Provide alternate routes for cables to avoid accessible routes, and use ADA approved cable covers wherever they will cross the route.
22	Grand Foyer	Exits	The exits at each end of the Grand Foyer have steps just outside the exterior doors with no warnings inside.	Provide warning signs providing direction to the nearest accessible exits.
23	Elevators	Interior Routes	The hallway call buttons are 48" from the floor.	Relocate and install new hallway call buttons.
24			The hallway call buttons are not equipped with visual signals.	Install new call button visual signals.
25			The "up" button is not located above the "down" button.	Install buttons which designate travel direction.
26			The trash cans extend 23" from the wall. The elevator call buttons are mounted too high to afford proper reach using either a forward or side approach.	Relocate trash cans which protrude into the accessible route and interfere with the required clearances at the elevator call buttons.
27			There is no visible or audible signal at each hoistway entrance.	At all times that Radio City is open to the public, an elevator operator will operate elevators and announce each floor and direction of travel. Visible and audible signals will be installed at each hoistway entrance when elevators are fully automated.
28			No raised floor designations on the door jambs at each elevator hoistway entrance exist.	Provide new raised floor designations in Arabic numbers and Braille on door jambs at each elevator hoistway entrance to comply with the Standards.
29	Lower Level, First, Second and Third Mezz. Men's and Women's Restrooms	Public Restrooms	Signage is not mounted with centerline 60" from the floor. It does not have raised or braille characters.	Provide new ADA compliant signs to accompany non-compliant historic signage.

EXHIBIT A

ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
30	Lower Level Men's and Women's Restrooms	Public Restrooms	No 36" wide stall with parallel grab bars and an outward-swinging, self-closing door exists, although more than 6 toilet stalls are provided.	Provide in each restroom two accessible stalls to comply as closely as feasible with Standards 4.17, fig. 30 (a) ("fig. 30 (a) stall"), and a stall to comply as closely as feasible with Standards 4.17, fig. 30 (b) ("fig. 30 (b) stall").
31			The distance of the grab bars from the wall in the "accessible stall" is 1-3/8".	Install grab bars 1-1/2" from the wall and an outward swinging, self-closing door complying with the Standards 4.17, fig. 30 (a) and (b).
32			Clearance from the floor to the bottom of the lavatory aprons in common area is only 27". Lavatory faucet controls at all of the common area lavatories require tight grasping, pinching or twisting of the wrist to operate.	Provide an ADA compliant lavatory in each of the fig. 30 (a) stalls.
			A lavatory that encroaches upon the required clear floor space at the toilet within a toilet stall exists.	
			The lavatory apron in the accessible stall is an insufficient height from the floor.	
			Hot water pipes and drain pipes at the accessible stall lavatory are not insulated or designed to protect against direct contact.	
33	Lower Level Men's and Women's Restrooms		The mirrors are mounted so that the bottom edges of the reflective surfaces are 46" from the floor.	Provide in each restroom, ADA compliant mirrors in each of the fig. 30 (a) stalls.
34	Lower Level Men's and Women's Restrooms	Public Restrooms	Toilet paper dispensers restrict paper flow.	Replace existing toilet paper dispensers with new units which do not restrict the paper flow.
35	Lower Level Women's Restroom	Public Restrooms	The centerline of the accessible toilet is 17" from the wall.	Install ADA compliant toilets in the fig. 30 (a) stalls.
36			Sanitary napkin disposal can is outside of reach from the accessible water closet.	Relocate the sanitary napkin disposal can so that it is within accessible reach.
37			No coat hook in the accessible stall exists.	Provide an accessible coat hook on the partition beside the door at a height of 46" above the finished floor.
38	Lower Level Men's Restroom	Public Restrooms	The coat hook in the accessible stall is mounted too high, and a wire basket protrudes from the door into the opening.	Relocate coat hook to comply with the ADA clearance and reach requirements, and remove wire basket.
39	First, Second and Third Mezz. Men's and Women's Restrooms	Public Restrooms	The clear opening width of the toilet room doors is only 26-1/2" at each leaf, with a welded-in-place vertical astragal between doors.	Remove vertical astragal and permanently hold open doors to provide 55" clear opening.
40			Toilet room doors require an excessive amount of force to open.	Permanently hold open doors.

EXHIBIT A

ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
41		No designated accessible stall equipped with grab bars exists.		Modify stall at each Mezzanine Level with parallel grab bars and outward swinging door to comply to the extent feasible with the Standards 4.17, fig. 30 (b), and provide directional signs at each Mezzanine Level to the compliant lavatory and toilets.
42	First, Second and Third Mezz Men's and Women's Restrooms	Public Restrooms	Clearance from the floor to the bottom of the lavatory aprons is only 27".	Provide ADA compliant lavatories in the Lower Level and directional signs at each Mezzanine Level to the compliant lavatories and toilets.
43			Lavatory faucet controls at common area lavatories require tight grasping, pinching or twisting of the wrist to operate.	Replace faucet controls with ADA compliant controls on one lavatory in each Mezzanine level restroom.
44			The mirrors are mounted too high.	Provide ADA compliant mirrors in the Lower Level Men's and Women's Restrooms.
45	All Restrooms	Alarms	No visual alarms exist in any of the restrooms.	Install a strobe type visual alarm connected to Radio City Music Hall's fire alarm system in each restroom.
46	Throughout	Alarms	Visual alarm signaling devices are non-compliant.	Install new ADA compliant devices at heights required by the ADA in public restrooms. Existing strobes will remain in place at landmarked areas.
47	Telephones on All Levels	Public Telephones	Public text telephone is not provided.	Install text telephone on First Mezzanine and Lower Levels and install directional signs to the nearest text telephone.
48	Lower Level Lobby and Lower Level Women's Restroom	Public Telephones	No telephone in each of the two telephone banks on the lower level lobby is accessible and meets the requirements for a forward reach telephone.	Remove telephones in the Lower Lobby and replace with a telephone alcove between the restrooms that has four of seven new telephones meeting ADA height and clearance requirements.
			Coin slots at two telephones are located 55" and 66" from the ground.	
49	Lower Level Lobby, Lower Level Women's Restroom, and Second and Third Mezz. Men's and Women's Restrooms	Public Telephones	The coin returns on the telephones require tight grasping, pinching or twisting of the wrist to operate.	Provide new telephones that comply with ADA Standards at each level, and install directional signs to wheelchair accessible telephones.
			The telephones cords are 28-1/2" in length.	
50	Lower Level Women's Restroom	Public Telephones	Telephones are not equipped with volume controls or appropriate signage.	Install a shelf and an outlet at one of the seven new telephones for a portable text telephone.
			In banks with three or more telephones, there is not at least one telephone equipped with a shelf and outlet for a portable text telephone.	

EXHIBIT A

ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
51	First, Second and Third Mezz. Men's and Women's Restrooms	Public Telephones	No telephones in each location is fully accessible and meets the requirements for a forward reach telephone.	Add two new telephones at the First Mezzanine Level which comply with the ADA requirements for wheelchair accessibility, forward reach, clear floor space and mounting height, and install directional signs to the ADA accessible telephones.
52	First Mezz. Men's and Women's Restrooms	Public Telephones	Telephones are in booths, which have insufficient clear floor space in front of the telephones.	The coin slots are 56" to 58" from the ground.
53	Lower Level and First, Second and Third Mezz.	Drinking Fountains	Insufficient clear space exists between the directories, table and booth to provide an accessible route to the telephones in the men's restroom area.	Install and maintain dispensers for flat bottom paper cups at the drinking fountains on all levels and replace controls with ADA compliant controls. Install new spouts providing for a 4" high flow for cup insertion.
54	First, Second and Third Mezz.		Fountains have insufficient clear knee space, ranging from 9" to 14".	Fountains have insufficient clear knee space, ranging from 9" to 14".
			The spouts are mounted between 44" to 44-1/2" above the finished floor.	The spouts are mounted between 44" to 44-1/2" above the finished floor.
55	Main Lobby Vestibule, Lower Lobby, Main Lobby and First Mezz.	Ticket Windows and Concession Stands	Counter heights range from 41" to 44".	Counter heights range from 41" to 44".
56	Main Lobby Vestibule	Ticket Windows and Concession Stands	Queuing line allows a clear width less than 36". The bar allows only 29" of clear width.	Queuing line allows a clear width less than 36". The bar allows only 29" of clear width.
57	Main Lobby Concession at Exit 37	Ticket Windows and Concession Stands	A cash register exists at this counter. A portion of the counter has been lowered to 30" above the finished floor but it is only 20" wide and is obstructed. The entire counter has a height of 44-1/2".	A cash register exists at this counter. A portion of the counter has been lowered to 30" above the finished floor but it is only 20" wide and is obstructed. The entire counter has a height of 44-1/2".
58	Main Level, First, Second and Third Mezz.	Assistive Listening System	Prior to and for a period during the Government's ADA investigation of Radio City, there was no evidence of an assistive listening system for public use.	Provide assistive listening system usable by at least 240 persons at one time that complies with the ADA.
59	Main Lobby and Throughout the Public Areas	Signage - Assistive Listening System	Signs notifying the public of the availability of an assistive listening system are not posted at ticket offices or elsewhere.	Install required signs notifying the public of the availability of an assistive listening system.

EXHIBIT A

ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
60	Throughout	Signage	Overhead signs providing direction to, and information about, functional spaces do not meet requirements for character proportion, height, finish and contrast.	Provide ADA compliant information and direction signs throughout the public areas.
61	Throughout	Signage	No signs complying with the Standards 4.1.3(16)(a) (raised letters and Braille) are mounted in public areas adjacent to marked emergency exits.	Provide ADA compliant signs with raised letters and Braille throughout the public areas.
62	Main Lobby Vestibule	Protruding Object	The American Express Ballot Box protrudes 8" from the wall into the circulation path at a height of 46" above the finished floor, and its bottom corners are sharp.	Relocate or remove the American Express Ballot Box so that it does not protrude into the accessible route.
63	Third Mezz. Men's and Women's Restrooms	Protruding Object	The telephone book holder protrudes 14" from the wall into the circulation path at a height of 30" and 40", and its bottom corners are not rounded.	Remove the telephone book holder.
64	Lower Level Women's Restroom	Protruding Object	The telephone cabinet protrudes 14-1/2" from the wall into the circulation path at a height of 31", and its bottom corners are not rounded.	Replace existing telephone cabinets with new telephone alcove, which shall not protrude into the circulation path.
65	First Mezzanine Lounge	Protruding Object	A wall-mounted semi-circular table protrudes 18-1/2" from the wall into the circulation path at a height of 34" above the finished floor.	Install cane detectable barrier or remove table from circulation path.
66	Dressing Room No. 211	Dressing Rooms for Performers	None of the five dressing rooms for performers are accessible.	Alter Dressing Room No. 211 or other equivalent Dressing Room space so that it is fully ADA compliant.
67			The door hardware at the corridor door and closet require tight grasping, pinching or twisting of the wrist to operate.	Replace door hardware with ADA compliant hardware.
68			The furniture blocks access to the HVAC controls, which require tight grasping, pinching or twisting of the wrist to operate.	Alter existing furniture layout for clearance, and replace HVAC controls with ADA compliant controls.
69			All electrical outlets for use by occupants are mounted on the baseboard outside of the accessible reach ranges.	Provide additional electrical outlets that are within ADA compliant reach ranges.
70			The closet door requires full user passage but has only 25" of clear width.	Install new closet door and frame to provide 32" minimum clearance.
71			No accessible clothes rod exists.	Provide an ADA compliant clothes rod.
72			The speaker volume controls are mounted at 67" above the finished floor.	Relocate the speaker volume controls so that the mounting height is ADA compliant.
73			A rug is laid on top of the carpet which has loose edges, so that the combined pile height of carpet and rug exceeds 1/2".	Modify floor coverings to comply with the ADA.
74			No fixed changing bench exists.	Provide an ADA compliant bench.

EXHIBIT A

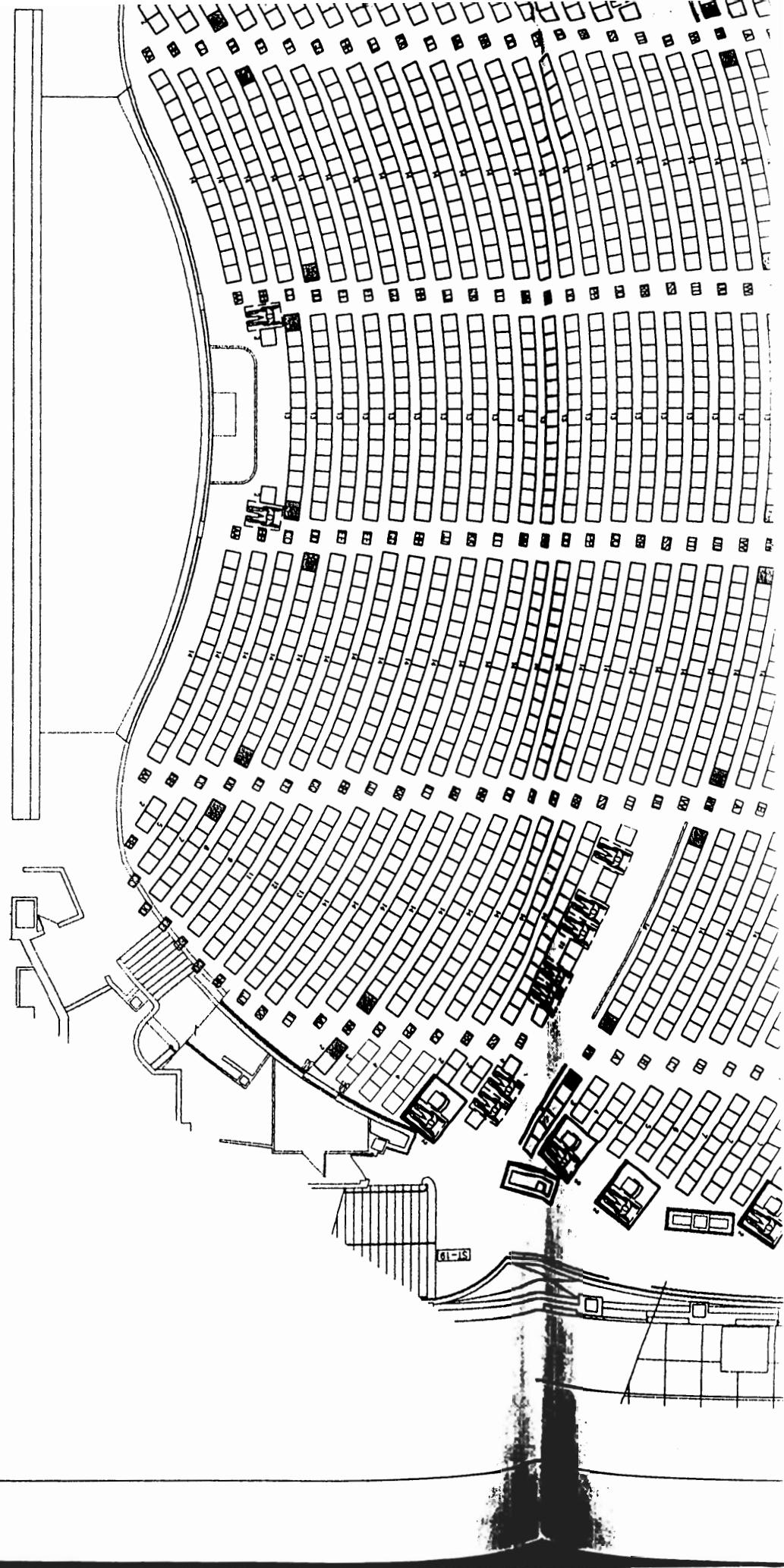
ITEM#	LOCATION	ISSUE	BARRIER DESCRIPTION	CONSENT DECREE REQUIREMENT
75		The makeup counters have only 26-1/2" of clear height.		Modify makeup counter to provide a minimum clear height of 27".
76	Shower/Toilet Room Adjacent to Room 211	The shower/toilet rooms serving the performers' dressing rooms are not accessible.		Alter the shower/toilet room adjacent to Room 211 to comply with the ADA.
77		The threshold rises 1-5/8" vertically at the door.		Modify threshold to comply with the ADA.
78		The door provides only 27" of clear width.		Widen doorway to provide 32" minimum clearance.
79		The door requires 12-1/2 pounds of force to open.		Install new door and hardware to comply with ADA's maximum force requirement.
80		The arrangement and dimensions of the lavatory, shower and toilet fixtures, and wall configurations are non-compliant.		Alter walls and fixture layouts to provide an ADA compliant Shower/Toilet Room.
81		The door hardware requires tight grasping, pinching or twisting of the wrist to operate.		Replace existing door hardware with ADA compliant hardware.
82	Tour Route	Interior Route	The stairs connecting levels are not served by accessible elevators and have non-compliant features, including handrail mounting heights, handrail extensions, newell posts and nosings, and missing handrails in certain places.	Install ADA compliant handrails, at proper mounting heights, handrail extensions, newell posts and nosings on tour route to the 8th floor (to Roxy Suite).
83	Tour Route		Much of the tour route is accessed only by steps.	Secondary tour egress route via ninth floor will be used only to bring tour participants back to main lobby. When a person with mobility impairments is a tour participant, the entire tour group will not use the ninth floor secondary egress route.
84	Tour Route at Costume Shop	Interior Route	The clear opening width of the door from the corridor into the room is only 29" due to placement of a sewing desk just inside the door.	Tour will not include this room.
85	RCMH Store	Door hardware	Thumblatch door hardware requires tight grasping, pinching or twisting of the wrist to operate.	Provide a trained attendant to assist disabled persons into and within the Store, and provide a buzzer or bell and appropriate signage.
86	RCMH Store	Sales Counter	No 36" wide portion of the sales counter is at an accessible height.	Provide a counter with a 36" wide portion at a height of 34" above the finished floor.
87	RCMH Store	Visual Alarm	No compliant visual alarms are provided in an area served by audible alarms.	Provide ADA compliant visual alarm signaling devices.

Exhibit B

ARMSTRONG SOUTHERN BOARD ARMSTRONG CITY PRODUCTIONS, LLC 2 PENNSYLVANIA PLAZA NEW YORK, NY 10021-0091 PHONE: 212.677.6030 FAX: 212.979.0535 PROJECT OUTLINE GROUP PROJECT INNOVATION PARTNERS 301 PARK AVENUE SOUTH NEW YORK, NY 10016 PROFESSIONAL SERVICES CONSULTATION MANAGER 330 WEST 42ND STREET NEW YORK, NY 10018 ROBERT SLIWAH ASSOCIATES, PC 88 UNION SQUARE PLACE NEW YORK, NY 10013 MEYER STRIMM AND JONES ENGINEERS, PC 11 PENN PLAZA NEW YORK, NY 10011 TECHNICAL CONSULTANT FRESHMAN MARCHET REINHOLD STONE 126 PARK AVENUE NEW YORK, NY 10011 ACADEMIC/TECHNICAL LEARNING CONSULTANT ADOTSUTAI CONSULTANT APF HOLDINGS CORPORATION 11A BROADWAY STEET NEWARK, NEW JERSEY 07101 NATIONAL CONNECTIONS 5 BEECH ST STEET NEWARK, NEW JERSEY 07101 UNIVERSITY SYSTEM, NEW JERSEY 116 WISCONSIN AVENUE NEW YORK, NY 10011 VERITAS TRANSPORTATION CONSULTANT JACOB A. VAN DERZEE & ASSOCIATES, INC. HISTORIC CONSERVATION CONSULTANT 902 BROADWAY, 16TH FLOOR NEW YORK, NY 10010 BUILDING CONSERVATION ASSOCIATES 120 WISCONSIN AVENUE NEW YORK, NY 10011 PHONE: 212.677.6030 FAX: 212.979.0535

RADIO CITY MUSIC HALL NEW YORK, NEW YORK

1260 AVENUE OF THE AMERICAS



[REDACTED] Exhibit C [REDACTED]

Exhibit C

Defendants' policy for releasing accessible (i.e., wheelchair and aisle transfer) seating and companion seating locations is as follows:

1. Radio City's calendar of events, event brochures, advertisements, and program and seating charts shall advise patrons of the availability of accessible seating and companion seating locations.
2. Tickets for accessible seating and companion seating locations shall be available for sale at all times and locations and through all methods as those for other seating locations in Radio City.
3. The 29 wheelchair seating and 29 companion seating locations located at the rear of the orchestra level shall be sold at third mezzanine prices. The remaining wheelchair and companion seating locations on the orchestra level shall be sold at orchestra level prices. The two wheelchair and two companion seating locations on the first mezzanine level shall be sold at first mezzanine prices.
4. Accessible seating shall be the last seating to be sold. When all non-accessible seating locations are sold out:
 - a. Four days after the non-accessible seating is sold out, Radio City shall be permitted to release one half of the unsold accessible seating locations for sale to the public, including patrons who do not request accessible seating locations.
 - b. Within 72 hours before a performance, Radio City shall be permitted to release one half of the remaining unsold accessible seating locations for sale to the public, including patrons who do not request accessible seating locations.
 - c. On the day of the show, Radio City shall be permitted to release the remaining unsold accessible seating locations for sale to the public, including patrons who do not request accessible seating locations.